

REMARKS

Upon entry of the above amendments, claims 63-86 will be pending. Among those claims, claims 63, 69, and 78 are independent. Reconsideration and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action dated September 22, 2004, the Drawings are objected to, because, apparently, Fig. 2A does not clearly indicate the changes made. In response to this objection, pursuant to 37 C.F.R. 1.121(d), Applicants hereby note the changes that were made (and are therefore proposed for approval by the Examiner). Specifically, reference numbers have been added to the boxes down the center of the illustrated flow chart. Those reference numbers are, respectively, (in order from top to bottom), 200 (to identify the customer and recipients), 205 (receive message from customer), 210 (receive transmission medium selections), 220 (convert format), 225 (select device driver(s)), 230 (cause transmission), and 235 (confirm delivery). Formal drawings will be forthcoming, including a replacement sheet for Fig. 2A (for which a formal drawing would seem to be appropriate).

In the Office Action, claims are rejected on prior art grounds. Specifically, claims 63-66, 68-69, 72-73, and 75-77 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kelly, Jr. (U.S. Patent No. 4,941,168) in view of Brown (U.S. Patent No. 4,972,461). Claims 67, 70-71, 74 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kelly, Jr. (U.S. Patent No. 4,941,168) in view of Brown (U.S. Patent No. 4,972,461) and further in view of Ball et al. (U.S. Patent No. 6,393,107). Claim 84 is rejected under 35 U.S.C. §103(a) as being unpatentable over of Ball et al. (U.S. Patent

message queue, wherein the transaction server accesses the database, the scheduler, and the message queue. None of the references of record, including Kelly, Jr., Brown, Ball et al., Sonnenfeld, whether considered alone or in any proper combination, suggest or teaches these limitations (at least). Accordingly, Applicants submit that each of the claims now pending is patentable under Sections 102 and 103.

As noted above, each of independent claims 63, 69, and 78 to recite, among other features, delivery management mechanism comprising a transaction server, a database, a scheduler, and a message queue, wherein the transaction server accesses the database, the scheduler, and the message queue.

Support for these limitations is provided in the specification, e.g., in the Detailed Description section which illustrates certain example embodiments. References to the Specification are to pages in the Substitute Specification that was submitted in the Amendment filed on February 1, 2000.

In accordance with one aspect of the invention as described in the specification, a messaging system may be provided which facilitates the transmission of messages composed of one or more input devices to a single or multiple recipients by means of one or plural communication modalities. [See, e.g., page 3, lines 5-7] The communication modalities may include, for example, conventional or wireless telephone, facsimile transmission, pager, email, postal mail, or courier. [See, e.g., page 3, lines 8-10]. By way of example, an implementation of such a messaging system may be a portion or all of the system shown in Fig. 1.

As described with respect to the example embodiment shown in Fig. 1, a transaction server may include a transaction server 150 which handles the pattern of

interaction with a customer, the content of transmission to the customer's computer, and functionality associated with the customer's address book. [See, e.g., page 12, lines 2-5].

As described with respect to the example embodiment shown in Fig. 1, a database may include a customer database having customer records. Customer records may be associated with an "address book", i.e., a list of contacts (i.e., potential recipients) from which the customer may select.

A scheduler schedules or controls the times at which messages are delivered. As described with respect to the example embodiment shown in Fig. 1, a scheduler may include scheduling module 180 which can control the transmission of messages at customer-specified times. [See, e.g., page 15, lines 2-3].

A message queue queues messages for delivery. As described with respect to the example embodiment shown in Fig. 1, a message queue may include a job queue server 165 that triggers the transmission of a message. [See, e.g., page 14, lines 21-22].

The transaction server may access a database, e.g., to determine the destination of a message or to determine the mode of delivery of the message. The transaction server may access a scheduler to determine the time at which a given message is to be transmitted. The transaction server may access the message queue to determine the next message in the queue.

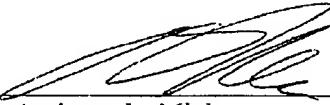
In view of the foregoing, reconsideration and allowance of the present application are respectfully requested. A notice to that effect is earnestly solicited.

Should there be any questions, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

Dated: 3/22/05

By:


Anthony L. Miele,
Attorney for Applicants
Registration Number 34,393
Miele Law Group
137 South Main Street
Natick, MA 01760
Phone: 508-275-2173
Fax: 508-319-3001